

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,)
)
) Criminal No. 18-159
v.)
)
) Judge Cathy Bissoon
MARK STANFORD,)
)
)
) Defendant.
)

ORDER

Defendant's Motion (Doc. [91]) for compassionate release, based on COVID-19 related health concerns, will be denied.

Defendant argues that the existence of the COVID-19 pandemic, confirmed cases of COVID at FCI Morgantown, combined with his medical conditions, merit his release. While Defendant has provided his medical records, the severity of his conditions remains unclear. Also, Defendant has already contracted COVID, from which he has recovered.¹

However, Defendant's health conditions are not dispositive. Rather, the Court is required to balance Defendant's health conditions against the Section 3553 factors that resulted in his original sentence. Here, even if the Court were to assume that Defendant's medical conditions rendered him susceptible to illness, the Court finds release unjustified given the nature, circumstances and seriousness of Defendant's offense, and the needs for just punishment and deterrence. Simply put, Defendant made a decision to not pay his taxes, opting instead to

¹ The Court notes that this has no positive or negative bearing on Defendant's motion, given the recent spread of additional variants and the lack of information regarding reinfection as a result. See CDC, Reinfection with Covid-19, <https://www.cdc.gov/coronavirus/2019-ncov/your-health/reinfection.html> (last updated Oct. 27, 2020) (noting that reinfection is rare, although publication has not been updated since the Delta variant has become more widespread).

maintain an excessively lavish lifestyle (his past conduct and criminal history notwithstanding). Defendant has served only a fraction of his 24-month sentence and does not have any additional conditions that would justify compassionate release.

For these reasons, along with the others identified in the government's opposition, i.e., that Defendant has failed to demonstrate that the conditions at FCI Morgantown constitute an "extraordinary and compelling circumstance," (Doc. 98), Defendant's Motion (**Doc. 91**) for compassionate release is **DENIED**.

IT IS SO ORDERED.

August 6, 2021

s\Cathy Bissoon

Cathy Bissoon
United States District Judge

cc (via ECF email notification):

All Counsel of Record